

City of Aspen
1300 Main Street
Aspen, Colorado 81611

29298

FILED

June 12, 1992

COPY

U.S. Environmental Protection Agency
Mr. Brian Pinkowski
999 18th St. Suite 500
Denver, Colorado
80202

Dear Mr. Pinkowski:

This communication will serve to formalize the agreement reached today between U.S. EPA and the Aspen citizens advisory group in which the final elements of establishing a Technical Advisory Committee (TAC) were decided. To offer consistency and broaden the complete understanding of the concept and protocol of the TAC, the following narrative is repeated from previous correspondence. However, the changes we agreed to today are indicated where appropriate.

As you recall, our meeting with the EPA in Washington on February 28 resulted in four elements of a plan for action by the EPA and the City of Aspen. To summarize, they included: 1) EPA, Senator Tim Wirth and Senator Hank Brown were to investigate methods to offer relief from lender liability for citizens in the Smuggler site; 2) EPA was to investigate methods of delisting "clean" zones within the site; 3) EPA indicated they would contact the Department of Justice to investigate postponement of activation of the lawsuit pending against the PRP's; and 4) A Technical Advisory Committee will be formed to review all pertinent data on the Smuggler site and make a recommendation as to the health threat (or lack thereof) to our citizens.

Per our meeting in Washington D.C. and our agreement today, we propose the following format in response to item four listed above. It is our desire to not have representatives from the City of Aspen (or the Aspen community), or from the EPA on the TAC.

We suggest that the committee be comprised of the following individuals:

- 1) Paul Hammond, DVM, Ph.D (Initial TAC Coordinator)
University of Cincinnati
Cincinnati, Ohio

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- 2) William D. Adams
Deputy Assistant Administrator
ATSDR
1600 Clifton Road (E28)
Atlanta, Georgia 30333
- 3) Henry Falk, M.D.
Centers for Disease Control
CEHIC/EHHE, Mail Stop F28
1600 Clifton Road
Atlanta, Georgia 30333
- 4) Rufus Chaney, Ph.D.
Research Agronomist - USDA
Environmental Chemistry Laboratory
USDA-ARS-SMSL
BARC East Building 318, Room 108
Beltsville MD. 20705
- 5) Andy Davis, Ph.D.
PTI Consultants
Boulder, Colorado
- 6) Renate Kimbrough, M.D.
Institute for Evaluating Health Risk
1101 Vermont Avenue, N.W.
Washington, D.C. 20005
- 7) Ian Thornton, Ph.D.
University of London
Imperial College
London, England

In all probability it is unlikely that we will be able to acquire the services of all the above listed scientists. We feel, however, the task can be performed adequately with six to seven participants.

In lieu of the above we propose that Alice Stark, M.D., New York State Department of Health; Bill Chappell, Ph.D., University of Colorado, Boulder; Ian Von Lindern, Ph.D., Moscow, Idaho; and Tom Long, Ph.D., State of Illinois Department of Public Health be listed as alternates should the above list drop below six people.

The committee shall meet in Aspen, Colorado for a conference involving three days and three nights (1/2 day travel on either side of 2 days of conference). Travel expenses and fees for service will be negotiated between the EPA and each individual TAC member. Such compensation will be available for up to seven TAC members and two presenters (those who are government employees may only require expenses). The TAC chairperson will be compensated an

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additional sum to be negotiated between the EPA and that person. Such additional compensation will be for pre-meeting coordination and establishing meeting protocol. These expenses will be paid by the EPA as per our verbal agreement made in Washington on Feb. 28, and in Aspen today. This committee shall be charged to resolve the following three questions:

1) Does the existing site-specific data and scientific literature provide adequate evidence which confirms that the soil lead in the Smuggler Mountain Superfund Site poses a current realistic health threat (i.e., unacceptable risk of disease or impairment) to any of the residents on or near the site?

a) If so, what is the primary evidence and the main rationale for attributing a current realistic health threat to the soil lead on the site?

b) Also, what comprises this health threat (spectrum of potential risk) stemming from exposure to the soil lead?

2) If the answer to number 1 above is no, is there a reasonable probability of such a threat developing in the future?

a) If so, please provide information outlined in parts a) and b) in question number 1 above.

b) If not, provide a summary of the evidence and rationale to support this conclusion.

3) Having made this health threat assessment, what is the TAC's recommended action, if any, in order to protect the current and future public health of the residents from the lead?

Thirty days prior to the TAC meeting, we will send the following documents which will contain pertinent information to the issue at hand:

1) Preventing Lead Poisoning in Young Children, Centers For Disease Control, October 1991.

2) ICF Clement EPA Endangerment Assessment For The Smuggler Mountain Site Pitkin County, Colorado. May 5, 1986

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10:00-10:15 a.m. - Break

10:15-11:00 a.m. - Opportunity for questions and discussion by the TAC regarding the EPA presentation.

11:00-Noon - Presentation on the position of the City, County, Smuggler Site residents and the citizens of Aspen by representatives of the community and Robert Bornschein, Ph.D. University of Cincinnati, Institute of Environmental Health, Lead Study.

12:00-1:00 p.m. - Working lunch with the presenters (lunch to be provided)

1:00-2:00 p.m.- Opportunity for questions and discussion by the TAC regarding the community and Dr. Bornschein's presentation.

2:00-2:30 p.m. - Opportunity for EPA representatives and Dr. Bornschein to present closing comments. (15 minutes each)

2:30-2:45 p.m.- Break

2:45-5:00 p.m.- TAC executive session to review information and initiate drafting a summary. (Presenters will be available outside the executive session meeting room to respond to TAC requests for information)

The EPA and Dr. Bornschein may provide the TAC with any other documentation the presenters determine to be pertinent.

The TAC will meet on the second day with the following agenda:

9:00-12:00 - Continue to review information and data from the preceding day. (Presenters will be available to respond to TAC requests for information)

12:00-1:00 p.m. - Lunch (to be provided)

1:00-5:00 p.m. - The Committee will prepare a statement in response to the three issues or a request defining the need for further documentation or studies. The position statement will be presented to the EPA and community at the close of the second day (note the above provision to extend the meeting into a third day if necessary).

All information and testimony presented to the TAC will be in writing (where possible) and be left with the TAC for their further

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3) Clear Creek/Central City Mine Waste Exposure Study, Part I: Smuggler Mountain Site. (Draft For Public Comment) March 1992

4) Bioavailability of Arsenic and Lead in Soils from the Butte, Montana, Mining District, Davis, Ruby, Bergstrom; December 1991

5) Region VIII EPA Lead In Soil Position Paper

6) Aspen Valley Hospital Physicians Position Statement, Robert E. Hunter

7) Bioavailability Feeding Studies:

a) Region VIII EPA Swine Study

b) ARCO-Battelle Rat Study

c) OSHA-National Toxicology Program Feeding Study, 1991

The TAC will be encouraged during the 30 days preceding the meeting time, and upon review of the pre-meeting documentation, to request any further documentation they feel may be relevant to their deliberations.

The TAC will further be encouraged to form whatever internal committees or chairpersons as may be necessary to facilitate achievement of the TAC goals. All individual TAC member opinions will be listed regardless of how the committee votes on the various issues.

It is anticipated from lengthy discussion with involved people that the time allotted in this single meeting should be adequate for proper consideration of the facts. If however, at the conclusion of such time the TAC feels that it has been impossible to reach a proper conclusion, the EPA and Aspen agree to provide additional time. In consideration of the expense of convening the TAC, it is our recommendation that, if necessary, the TAC meet a third day to complete their work.

→ no - they can take a morning session with EPA & Aspen
The Technical Advisory Committee shall meet on the first day with the following agenda:

8:00-9:00 a.m. - Site tour offered by the Aspen/Pitkin Environmental Health Department.

9:00-10:00 a.m. - Presentation on the current risk assessment done in 1986 and other pertinent facts as deemed appropriate to the issue by a representative(s)

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consideration during their executive session and open meeting deliberations.

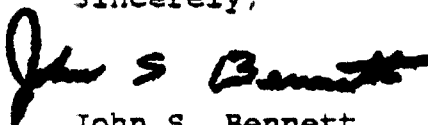
At the request of the TAC; a video, audio or stenographic recording of proceedings could be arranged by Aspen.

Liaisons from Aspen and the EPA will be assigned to attend all TAC meetings. Aspen and EPA will appoint anyone of their choosing in this capacity. Liaison representatives will not have a vote on the TAC, but may participate in discussions.

We feel it is in the best interest of all concerned to complete this process as soon as possible. Given the agreement reached today, this office will make contact with John Hammond to request his service as a TAC member and initial coordinator of the meeting. Dr. Hammond will contact all perspective panel members, send this communication explaining the protocol, attempt to establish the earliest date possible to convene the TAC, and determine what additional documents each committee member might request.

We appreciate the thoughtfulness and thoroughness of your comments on our original proposal, and in our discussions today. We feel today's agreement and format will assist us all and will add to the value and quality of the meeting outcome.

Sincerely;



John S. Bennett
Mayor

Thomas S. Dunlop, Director
Environmental Health Dept.

Patti Kay Clapper, R.N.
Medical Community

Terry Hale, D.D.S.
Concerned Citizens

Bob Cox
Smuggler Caucus

cc: Senator Tim Wirth
Senator Hank Brown
William Reilly
Donald Clay

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Rich Guimond
Tim Fields
Aspen City Council
Board of County Commissioners
Jed Caswall
Tim Whitsitt